

ASSEMBLY BILL

No. 405

Introduced by Assembly Member Caballero

February 23, 2009

An act to amend Section 32132.5 of the Health and Safety Code, relating to health care districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 405, as introduced, Caballero. Public contracts: health care districts: design-build.

Existing law provides for local health care districts which govern certain health care facilities. Each health care district has specific duties and powers respecting the creation, administration, and maintenance of the districts, including to purchase, receive, take, hold, lease, use, and enjoy property of every kind and description of property within the district. Existing law establishes bidding procedures for the award of construction contracts by local agencies.

Existing law permits the Sonoma Valley Health Care District, upon the approval of its board of directors, to use a design-build procedure when assigning contracts for the construction of a building and improvements directly related to a hospital or health facility building at the Sonoma Valley Hospital.

This bill would allow a health care district, upon approval of its board of directors, to use the design-build procedure to assign contracts for the construction of a building or improvements directly related to the construction of a hospital or health facility building.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Utilizing a design-build contract requires a clear
4 understanding of the roles and responsibilities of each participant
5 in the process.

6 (b) Cost benefits for health care districts are achieved by shifting
7 liability and risk for cost containment and project completion to
8 the design-build entity.

9 (c) It is the intent of the Legislature that the design-build process
10 be used by health care districts solely for buildings associated with
11 hospitals and health care and not for other infrastructure, including,
12 but not limited to, street, highways, public rail transit, roads,
13 bridges, other water resources facilities, and related infrastructure.

14 SEC. 2. Section 32132.5 of the Health and Safety Code is
15 amended to read:

16 32132.5. (a) Notwithstanding Section 32132 or any other
17 provision of law, upon approval by ~~the its~~ board of directors ~~of~~
18 ~~the Sonoma Valley Health Care District~~, *a health care district may*
19 *use the design-build procedure described in Section 20133 of the*
20 *Public Contract Code* ~~may be used~~ to assign contracts for the
21 construction of a building or improvements directly related to
22 construction of a hospital or health facility building ~~at the Sonoma~~
23 ~~Valley Hospital~~.

24 (b) For purposes of this section, all references in Section 20133
25 of the Public Contract Code to “county” and “board of supervisors”
26 shall mean ~~the Sonoma Valley Health Care District~~ *health care*
27 *district* and its board of directors.

28 (c) A hospital building project utilizing the design-build process
29 authorized by subdivision (a) shall be reviewed and inspected in
30 accordance with the standards and requirements of the Alfred E.
31 Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1
32 (commencing with Section 129675) of Part 7 of Division 107).